

Panaji, 9th June, 1988 (Jyaistha 20, 1910)

SERIES II No. 10

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Order

No. 3/12/85-PER

On completion of the "On the job training" the Government is pleased to order posting of the following officers as indicated below with immediate effect and until further orders:

Sr. No.	Name of the officers	Posted as
1.	Shri N. S. Bisht, IFS.	Assistant Conservator of Forests in North Goa Division with headquarters at Ponda.
2.	Shri M. Ram Gopal Reddy, IFS.	Assistant Conservator of Forests in the office of Conservator of Forests, Panaji.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 20th May, 1988.

Order

No. 3/13/85-PER (Vol. IV)

In terms of Government of India, Ministry of Home Affairs Order No. U-14020/17/88-UTS dated 16th May, 1988, the Government of Goa is pleased to relieve Shri G. C. Srivastava, IAS (UT:67) Development Commissioner from this Government with effect from 31-5-1988 (AN) to take up his new assignment in Delhi Administration.

Consequent on relief of Shri Srivastava, Secretary (Education) shall hold the charge of the post of Development Commissioner, until further orders.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji 25th May, 1988.

Order

No. 3/13/85-PER (Vol. IV)

On placement of his services at the disposal of this Government by the Government of India, Ministry of Home Affairs, New Delhi vide Office Memorandum No. U-14020/16/87-UTS dated 4th December, 1987 the Government of Goa is pleased to appoint Shri Felix Sequeira, IAS(UT) as Director of Industries and Mines, Panaji, with immediate effect, vice Shri W. C. Khambra, IAS(UT).

2. Shri Sequeira had reported for duties to the Government on 8-4-1988 and was awaiting posting. He shall be paid

pay and allowances for the period he was awaiting posting against the post of Secretary to Government, which was being held earlier by Shri A. J. S. Sahney, IAS.

3. The Government is further pleased to transfer and post Shri W. C. Khambra, IAS Director of Industries and Mines as Commissioner for Payments.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 27th May, 1988.

Home (General) Department

Order

No. 1/80/83-HD(G)

Read: Govt. Order No. 1/80/83-HD(G) dated 22-9-1987.

Government is pleased to extend the term of deputation of Dr. N. V. Raikar, Police Medical Officer upto 31-10-1988.

By order and in the name of the Governor of Goa.

A. T. Kamat, Under Secretary (Home).

Panaji, 26th May, 1988.

Department of Cooperation

Notification

No. 10-104-83-COOP-F&A

Read: — Govt. Notification No. 10-104-83-COOP-LAWD dated 14-5-1984 and Addendum dated 8-11-1984.

In supersession of Government Notification No. 10-104-83-COOP-LAWD dated 14-5-1984 referred to above, the Government is pleased to further reconstitute the State Advisory Cooperative Council for the State of Goa, as under:

1. Hon. Minister for Cooperation	...	Chairman
2. Minister of State for Cooperation	...	Member
3. Secretary Cooperation, Panaji	...	— do —
4. Secretary Finance, Panaji	...	— do —
5. Director of Agriculture, Panaji	...	— do —
6. Director of Industries & Mines, Panaji	...	— do —
7. Director of Fisheries, Panaji	...	— do —
8. Director of Animal Husbandry & Veterinary Services, Panaji	...	— do —
9. Project Director, Rural Development Agency, Panaji	...	— do —
10. Representative of Goa State Cooperative Bank Ltd., Panaji	...	— do —
11. Representative of Goa Urban Cooperative Bank Ltd., Panaji	...	— do —

12. Representative of Mapusa Urban Co-operative Bank Ltd., Mapusa ...	Member
13. Representative of Madgaum Urban Cooperative Bank Ltd., Margao ...	— do —
14. Representative of Womens Cooperative Bank Ltd., Panaji ...	— do —
15. Representative of Citizens Cooperative Bank Ltd., Vasco ...	— do —
16. Representative of Bicholim Urban Co-operative Bank Ltd., Bicholim ...	— do —
17. Representative of Goa Cooperative Marketing and Supply Federation Ltd., Panaji ...	— do —
18. Representative of Goa State Cooperative Housing Finance and Federation Ltd., Panaji ...	— do —
19. Representative of Goa Rajya Sahakari Sangh Maryadit, Panaji ...	— do —
20. Representative of Goa State Cooperative Milk Producers Union Ltd., Ponda ...	— do —
21. Representative of Sanjivani Sahakari Sakhar Karkhana Ltd., Dayanand Nagar Usgao-Tiska-Goa ...	— do —
22. Representative of Goa Bagayatdar Sah. Kharedi Vikri Society Ltd., Ponda ...	— do —
23. Representative of Pernem Taluka Farmers Service Coop. Society Ltd., Pernem ...	— do —
24. Representative of Satari Taluka Farmers Service Coop. Society Ltd., Satari ...	— do —
25. Representative of Canacona Taluka Farmers Service Coop. Society Ltd., Canacona ...	— do —
26. The Registrar of Cooperative Societies, Panaji ...	Member Secretary

The functions of the above Council will be as under:

- To advise the Government on all questions relating to the Cooperative Movement in this State.
- To review the cooperative movement and to suggest ways and means of coordinating the activities of the Cooperative Societies.
- To suggest ways and means to remove the difficulties faced by the Cooperative Societies in their functioning.
- To report to the Government on such matter as may be referred to it by the Govt. for its opinion.

The Advisory Council shall ordinarily meet twice a year. However, it may hold extra-ordinary meetings when special and important matters so justify.

Any person nominated as member of the Advisory Council in his non-official capacity or with his present status shall automatically ceased to be a member of the Council if he ceases to hold such position.

The Advisory Council may associate in his deliberations on subjects of any special or technical nature, persons of recognised expertise as special invitees.

A. P. Panvelkar, Under Secretary (Cooperation).

Panaji, 27th May, 1988.

Office of the Asstt. Registrar of Coop. Societies

Order

No. 7-13-78/ARSZ/LQD

Read: This office order No. RES-(c)-138/Goa/LQD/76, dated 21-9-1979 appointing Shri P. J. Velip, the then Jr. Inspector of Coop. Societies, South Zone, Margao-Goa as a liquidator of Swastic V. K. S. S. Society Ltd. Nagorcem-Canacona-Goa.

In partial modification of this office order cited above, Shri M. Y. Naik, Jr. Inspector of Coop. Societies, South Zone, Margao-Goa is hereby appointed as liquidator of Swastic

V. K. S. S. Society Ltd., Nagorcem-Canacona-Goa in place of Shri P. J. Velip, the then Jr. Inspector of Coop. Societies, South Zone, Margao-Goa with immediate effect.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 5th May, 1988.

Order

No. 7-11-77/ARSZ/LQD

Read: This office order No. ARCS/SZ/RES-(a)-43/Goa/LQD/75 dated 22-11-1979 appointing Shri P. J. Velip, the then Jr. Inspector of Coop. Societies, South Zone, Margao-Goa as liquidator of Shri Devkipurush V. K. S. S. Society Ltd., Nagarcem-Palolem-Canacona-Goa.

In partial modification of this office order cited above, Shri M. Y. Naik, Jr. Inspector of Coop. Societies, South Zone, Margao-Goa is hereby appointed as liquidator of Shri Devkipurush V. K. S. S. Society Ltd., Nagarcem-Palolem-Canacona-Goa in place of Shri P. J. Velip, the then Jr. Inspector of Coop. Societies, Margao with immediate effect.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 6th May, 1988.

Order

No. 7-10-78/ARSZ/LQD

Read: This office order No. ARCS/SZ/RES-(c)/26/Goa/LQD/79 dated 24-9-1979 appointing Shri P. J. Velip, the then Jr. Inspector of Coop. Societies, South Zone, Margao-Goa as a liquidator of Gaondongrim V. K. S. S. Society Ltd., Gaondongrim-Canacona-Goa.

In partial modification of this office order cited above, Shri M. Y. Naik, Jr. Inspector of Coop. Societies, South Zone, Margao-Goa is hereby appointed as liquidator of Gaondongrim V. K. S. S. Society Ltd., Gaondongrim-Canacona-Goa in place of Shri P. J. Velip, the then Jr. Inspector of Coop. Societies, Margao-Goa with immediate effect.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 6th May, 1988.

Order

No. ARCS/SZ/RES-(c)-116/Goa/80

Read: This office order No. ARCS/SZ/RES-(c)-116/Goa/LQD/80 dated 29-8-1980 appointing Shri P. J. Velip, the then Jr. Inspector of Coop. Societies, South Zone, Margao-Goa as a liquidator of Poinguinim V. K. S. S. Society Ltd., Poinguinim-Canacona-Goa.

In partial modification of this office order cited above, Shri M. Y. Naik, Jr. Inspector of Coop. Societies, South Zone, Margao-Goa is hereby appointed as liquidator of Poinguinim V. K. S. S. Society Ltd., Poinguinim-Canacona-Goa, in place of Shri P. J. Velip, the then Jr. Inspector of Coop. Societies, Margao with immediate effect.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 6th May, 1988.

Order

No. 7-66-87/ARSZ/LQD/834

Read: This Office Order No. 7-66-87/ARSZ/LQD/834 dated 10th November, 1987, appointing Shri R. A. Phadte, Sr. Auditor, Coop. Societies South-Zone, Margao as a liquidator of Poultry Breeders Coop. Society Ltd., Margao-Goa.

In partial modification of this Office Order cited above, Shri Y. S. Manerikar, Coop. Officer, Coop. Societies, South-Zone, Margao-Goa is hereby appointed as liquidator of Poul-

try Breeders Coop. Society Ltd., Margao-Goa in place of Shri R. A. Phadte, Sr. Auditor of Coop. Societies, South-Zone, Margao-Goa with immediate effect.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 16th May, 1988.

Order

No. 7-9-78/ARSZ/LQD

Read: This office order No. ARCS/SZ/RES-(c)-14/Goa/LQD/2244/79 dated 2nd Nov. 1979 appointing Shri P. J. Velip, the then Jr. Inspector of Coop. Societies, South Zone, Margao-Goa as a liquidator of the Agondha Bhag V. K. S. S. Society Ltd., Agondha-Canacona-Goa.

In partial modification of this office order cited above, Shri M. Y. Naik, Sr. Inspector of Coop. Societies, South Zone Margao-Goa is hereby appointed as liquidator of Agondha Bhag V. K. S. S. Society Ltd., Agondha-Canacona-Goa in place of Shri P. J. Velip, the then Jr. Inspector of Coop. Societies, South Zone, Margao with immediate effect.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 6th May, 1988.

No. ARCS/CZ/Credit/7

Read: This Office Notice of even number dated 20-4-1988 issued to all the members of the Managing Committee of the Goa Municipal Workers Credit Coop. Society Ltd., Panaji-Goa under section 78(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa read with Rule 61(2) of the Coop. Societies Rules, 1962.

The Goa Municipal Workers Credit Coop. Society Ltd., Panaji was registered on 7-6-1983. The main objectives of the society as contained in its Bye-laws inter-alia are to assist its members to tide over their financial difficulties by making available to them loans on reasonable terms and conditions. The working of the society as well as its Managing Committee was found to be satisfactory till the end of the year 1987-88. However, subsequent to the year 1987-88 it is found that dissensions have taken place amongst the members of the Managing Committee, elected in the Annual General Body Meeting held on 16-1-1988 and which is holding office till date.

2. Further, in the Special General Body Meeting of the society held on 29-2-1988, an adhoc committee consisting of 5 members was constituted to be the office bearers of the Managing Committee as follows:—

- i) Shri Joaquim Colaco — Chairman.
- ii) Shri Mahesh Naik — Member.
- iii) Shri Ramdas Das — Member.
- iv) Shri Sidappa Talwar — Member.
- v) Smt. Nagava Mogueri — Member.

However, constitution of such adhoc committee is not consistent with the provision of Act, Rules and Bye-laws of the society.

3. It is further noticed that the Managing Committee of the society has divided itself into two factions and both these factions do not recognise each other as the members of the Managing Committee, as a result of which the day-to-day activities of the society have come to standstill.

4. This situation has given place to disharmony and discontent amongst the members which is detrimental to the interest of the institution. Efforts made by the Asstt. Registrar of Coop. Societies, Central Zone to bring harmony between the two factions have, however, proved futile. On the contrary, the differences amongst the members of the Managing Committee have widened and there is no sign of the differences being resolved.

5. As per the provisions No. 34 of the Bye-law of the society, the Managing Committee is responsible for carrying

out the business of the society and for which meetings of the Managing Committee should be held at least once in a month. It is, however, seen that the meetings of the Managing Committee of the society have not been held as required under its Bye-laws and therefore activities of the society are being hampered.

6. The members of the Managing Committee of the aforesaid society vide this office notice dated 20-4-1988 cited above, were called upon in terms of Sub-Rule (2) of Rule (2) of Rule 61 of the Coop. Societies Rules 1962 and section 78 of the Maharashtra Coop. Societies Act, 1960 as applied to State of Goa stated to show cause in writing, within the time stipulated therein as to why the Managing Committee of the said society should not be superseded and that an Administrator be appointed to manage the affairs of the society in its place for reasons mentioned therein.

7. None of the members of the Managing Committee has furnished any clarification or objection to the proposed action of removal of elected Managing Committee and appointment of an Administrator in terms of the provisions of Section 78 read with Rule 61 of the said Rules. In turn 4 of the Managing Committee members have stated that there is no objection for appointment of Administrator. It is, therefore, evident that none of the members of the existing Managing Committee have any objections for their removal and appointment of an Administrator in their place to manage the affairs of the said society.

In view of the above, I am satisfied that the situation warrants the appointment of an Administrator. Therefore, I pass the following order:—

ORDER

In exercise of the powers vested in me under Sub-Section (1) of Section 78 of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa read with Sub-Rule 1 of Rule 61 of the Coop. Societies Rules, 1962, I, R. I. Jai Prakash, Registrar of Coop. Societies, Goa hereby supersede the Managing Committee of the Goa Municipal Workers Credit Coop. Society Ltd., Panaji-Goa consisting of the following members:—

1. Shri Joaquim Colaco.
2. Shri Kamraj Tari.
3. Shri Romeo Pereira.
4. Shri Manuel Pereira.
5. Shri Manuel Fernandes.
6. Shri Shaikh Kadar.
7. Shri S. R. Prabhu.

Further, in exercise of the powers vested in me under Sub-Clause (ii) of clause (a) of Sub-Section (1) of Section 78 of the Act read with Clause (b) of Sub-Rule (1) of Rule 61 of the aforesaid Rules hereby appoint Shri A. V. C. Molienkar, Sr. Auditor as the Administrator of the Goa Municipal Workers Coop. Credit Society Ltd., Panaji-Goa to manage the affairs of the said society in place of the Managing Committee so removed, with immediate effect initially for a period of one year from the date of taking over the charge.

R. I. Jai Prakash, Registrar of Coop. Societies.

Panaji, 20th May, 1988.

Revenue Department

Notification

No. 22/4/88-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Land Acquisition for Rural Water Supply Scheme to village Chorao Ward of Bhaktawada Saud, Caraim, Bantona, Gauna in Tiswadi Taluka, Phase-III.

And Whereas in the opinion of the Government the provisions of sub-section (1) of section 17 of the Land

Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), are applicable.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the said Act that the said land is likely to be needed for the purpose specified above.

The Government further directs under sub-section (4) of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of section 3 of the said Act, the Deputy Collector (Sub-Divisional Officer) Panaji, to perform the functions of a Collector, North Goa District, Panaji, under the said Act in respect of the said land.

5. The Government also authorises under sub-section (2) of section 4 of the said Act, the following officers to do the acts specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Deputy Collector (Sub-Divisional Officer), Panaji.
3. The Executive Engineer, Works Division III (PHE), P.W.D. Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector (Sub-Divisional Officer), Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Tiswadi

Village: Chorao

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
80/2	Shri Tukaram D. Mandrekar.	88.00
80/3	Confraria of Madel. T: Tukaram D. Mandrekar.	16.00
Total		104.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 19th February 1988.

Notification

No. 22/90/87-RD

Whereas by Government Notification No. 22/90/87-RD dated 11/9/87 published on page 360 of Series II, No. 25 of the Official Gazette, dated 17-9-88 and in two newspapers (1) Navhind Times dated 18-9-87 (2) Novem Goem dated 18-9-87 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed

for the public purpose viz. Land Acquisition for the access to the P. H. E. Complex at Borda Margao.

And whereas, the appropriate Government (hereinafter referred to as "the Government"), after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to "the said land").

Now, therefore, the Government hereby declares, under section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of section 3 of the said Act, the Sub Divisional Officer, Sub Division Margao, to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Sub Divisional Officer Sub Division, Margao till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Salcete

City: Margao

PTS No. Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
133/20 (part)	Elvina Gracias Pereira.	1400-00
<i>Boundaries:</i>		
North: Road.		
South: Chalta No. 20 of P. T. S./133.		
East: Chalta No. 23, 24, 25 of PTS/133 Chalta No. 1, 2, 4, 5, 8, 9, 10 of PTS/156.		
West: Chalta No. 20 of PTS/133.		
Total		1400-00

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary (Revenue).

Panaji, 24th May, 1988.

Notification

No. 13/1/86-RD (Part file)

In exercise of the powers conferred by section 4 read with section 11 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969), the Government of Goa hereby appoints the Mamlatdar for Record of Rights, Margao, as Inspector of Survey and Land Records for the District of South Goa.

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary to the Government of Goa (Revenue Department).

Panaji, 31st May, 1988.

Office of the Collector of North Goa & DCA

Order

No. 6-2-81-CAB(APP-MC) PF-VOL-II

Read: — Government letter No. 20/2/87-RD dated 22/3/1988 and subsequent letter No. 20-2-87/RD dated 17-5-88.

The name of the President of the Comunidade of Serula mentioned in this Office Order No. 6-2-81-CAB(APP-MC) PF-VOL-II dated 13-4-1988 published in the Official Ga-

zette No. 3 Series II dated 21-4-1988 at page 32 may be read as Shri Milagres Caetano Freitas instead of Shri Agnelo Lobo.

Denghuna, Collector and DCA of North Goa.

Panaji, 27th May, 1988.

Public Health Department

Order

No. 8/155/87-II/PHD

Read: Memorandum No. 8/155/87-II/PHD dated 11-11-87.

On the recommendations of the Union Public Service Commission, Dr. Chintagunta Pakeer Das is hereby appointed to the post of Assistant Professor of E.N.T. in the Goa Medical College on an initial pay to be fixed according to rules in the pay scale of Rs. 3000-100-3500-125-5000 plus special pay of Rs. 100/- p.m. and NPA of Rs. 800/- with effect from the date he takes over the charge of the post, as per the terms and conditions contained in the Memorandum referred to above.

2. The appointment is made against the vacant post of Assistant Professor of ENT in the Goa Medical College created vide order No. PDD/MC/64/9046 dated 4-4-1964.

3. This appointment is made pending the verification of his character and antecedents, medical examination, verification of veracity of the Schedule Caste Certificate and verification of his original degree of M.S. (ENT) 1984 from Patna University.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Health).

Panaji, 27th May, 1988.

Order

No. 8/12/88-II/PHD

Read: Memorandum No. 8-12-88-II/PHD dated 23-5-88.

On the recommendation of the Union Public Service Commission, the Government is pleased to appoint Dr. Pavan Shorey on regular basis to the post of Asstt. Professor of Ophthalmology in Goa Medical College on an initial pay to be fixed according to rules in the scale of pay of Rs. 3000-100-3500-125-5000 with effect from the date he takes over the change of the post as per terms and conditions contained in Memorandum referred to above.

2. The appointment is made against the post of Asstt. Professor of Ophthalmology hold by Dr. Jagjit Singh Saini.

3. This appointment is subject to his being declared fit by the Medical Board and pending verification of his character and antecedents.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 31st May, 1988.

Department of Labour

Order

No. 28/2/88-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 24th May, 1988.

IN THE LABOUR COURT GOVERNMENT OF GOA AT PANAJI

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Application No. LCC/4/86

Shri Raghunath Rama Ajgaonkar

—Applicant

V/s.

M/s Paramount Security Services

— Opponent.

Panaji, Dated 10-5-1988

AWARD

This is an application filed by a Security Guard against the Paramount Security Services, claiming certain dues as required u/s 33 C(2) of the I. D. Act. The Security Guard worked with the Opponent for about 8 months and left the service. He claimed Rs. 150/- towards the uniform which he paid by way of advance. He also claims Rs. 95/- towards four months P.F. deductions. The total claim made by him is Rs. 245/-.

2. The Opponent though duly served remained absent on 29-2-88, the day fixed for appearance. The applicant was present on that day as well as the adjourned day of 6-4-88. On that day, he filed his claim statement for Rs. 245/-. Hence, at my instance the office issued a fresh notice to the Opponent/employer informing him that the ex-employee claim Rs. 245/- from him and he should appear to give his say in the matter failing which the ex-parte orders will be passed. Today, the Opponent/Employer remained absent though duly served for a second time. The evidence of the workman is recorded in open court wherein he claims in all Rs. 245/- from the Opponent. This claim is not challenged and in the circumstances the claim is held to be just and proper. In the result, I pass the following order:

ORDER

The Opponent/Employer M/s. Paramount Security Services, Panaji, Goa, do pay an amount of Rs. 245/- (Rupees two hundred and forty five rupees only) to its ex-employee Raghunath R. Ajgaonkar of Mala, Panaji as past dues. There shall be no order as to costs.

S. V. Nevagi,
Presiding Officer
Labour Court.

Order

No. 21/28/87-ILD

On recommendation of Departmental Promotion Committee, Shri S. Z. Narvenkar, Senior Assistant Employment Officer is hereby promoted on purely ad-hoc basis to the post of Employment Officer, Group 'B' Gazetted in the pay scale of Rs. 2000-60-2300-EB-75-3200-100-3500 and posted in the Employment Exchange, Panaji under the Commissioner, Labour and Employment w.e.f. the date of taking over the charge.

The above promotion will not bestow on the officer any claim for regular appointment and service rendered by him on ad-hoc basis in the grade will not count for the purpose of seniority in the grade and for eligibility for promotion to the next higher grade.

His pay shall be fixed as per rules.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 27th May, 1988.

Order

No. 21/28/87-ILD

On recommendation of Departmental Promotion Committee, Shri P. G. Kamat, Employment Officer is hereby promoted on purely ad-hoc basis to the post of Sub-Regional Employment Officer, Group 'A' Gazetted in the pay scale of Rs. 2200-75-2800-EB-100-4000 created vide Government order No. 21/8/85-ILD-Part dated 17-8-1987 and posted in the Employment Exchange, Panaji under the Commissioner, Labour and Employment w.e.f. the date of taking over the charge.

The above promotion will not bestow on the officer any claim for regular appointment and the service rendered by him on ad-hoc basis in the grade will not count for the purpose of seniority in the Grade and for eligibility for promotion to the next higher grade.

His pay shall be fixed as per rules.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 27th May, 1988.

Order

No. 28/2/88-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 24th May, 1988.

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Reference No. IT/45/82

Shri Suresh S. Parodkar

— Workman

V/s

Shri Joaquim P. D'Souza

— Employer

Panaji, Dated: 3rd May, 1988

AWARD

This is an reference received from the Govt. of Goa, by its order No. 28/36/82-ILD dated 23rd September, 1982 with an annexure scheduled thereto which reads as follows:

"Whether the action of the management, Shri Joaquim D'Souza, Cumbarjua, Ilhas-Goa in terminating the services of the workman Shri Suresh S. Parodkar, Driver, with effect from 24-8-1981 is legal and justified?

If not, to what relief the workman is entitled to?"

2. The above reference is made by the Govt. of Goa as back as in 1982 and after notices were issued to the parties by an order dated 27-9-82, the employer Joaquim D'Souza representing the management filed his statement on 8-6-83 making it explicitly clear that the Party No. I Suresh S. Parodkar was never employed by him and that question of the illegal termination of his services by him does not arise at all. Explaining the position further he made a reference to a proceeding taken by Suresh Parodkar before the authority under the Payment of Wages Act, namely the Commissioner for Labour and Employment, Panaji. He stated that in the proceedings No. CLE/2-PWA-67/81 he was employed by M/s S. F. X. Transport Kumbharjua, Goa. After giving this information he made it clear then that he has nothing to do with Party No. I and that his employer is somebody else. Hence he had taken the basic objection to the tenability of the reference against him.

3. In reply to this, in his claim statement dated 27-6-83 filed through Advocate V. S. Bharne, the workman states in para No. 2 that he was working for S. F. X. Transport and this fact was made amply clear in the conciliation proceedings before the Asstt. Labour Commissioner. Hence, in para No. 2 of his written statement he wonders why the Asstt. Labour Commissioner in his failure report to the Government did not refer to the dispute between him and S. F. X. Transport because he all along worked on the buses of S. F. X. Transport. According to him, for reasons best known to himself, the Asstt. Labour Commissioner made a report to the Government that the Party No. I/Workman was a Driver of Joaquim

D'Souza, instead of mentioning the name of S. F. X. Transport, Kumbharjua. While making the position further clear the workman himself states that he was appointed as driver by Pedro A. D'Souza who happened to be the father of Joaquim P. D'Souza and that he was working for S. F. X. Transport till his illegal termination. In para No. 5 of the written statement he admits that the matter under the Payment of Wages Act is filed by him before the Labour Commissioner against the employer S. F. X. Transport and the same was pending before the Labour Commissioner at the time of the filing of the written statement.

4. After the claim statement and the written statement of Joaquim D'Souza were filed, the said Joaquim D'Souza filed his counter statement on 9-8-83 stating in para No. 2 that his father Pedro A. D'Souza never appointed the Party No. I/Workman or that his father or he himself were working for S. F. X. Transport. According to him, he is not the manager of S. F. X. Transport. Since then, the matter is being adjourned from time to time and the Advocate Bharne was applying to the Court stating that he would get the order of reference changed and rectified meaning that to get the name of the employer changed. This was the last application filed by Adv. Bharne on 12-3-83 and since then the matter is kept on sine die list.

5. After, I took over, the matter was revived and notices were issued to the parties. Both the party No. 1 Suresh Parodkar and Joaquim D'Souza were present on 25-2-88 and 28-3-88. The case was adjourned to enable the workman to get the reference corrected. Today, Shri Joaquim D'Souza is absent obviously because he is all along contenting that he is not the employer and the workman too has conceded that Joaquim D'Souza is not his employer. It is therefore, obviously clear that this mistake was committed at the earlier stage when the failure report was made by the Asstt. Labour Commissioner to the Government and anyhow the name of Joaquim D'Souza cropped up in the report as the employer as the person who wrongfully terminated the services of the workman. We find a clue to this in para No. 4 of the written statement of the workman wherein he states that the said Joaquim P. D'Souza is the son of Pedro D'Souza and manages the business of S. F. X. Transport which owns 10 buses run between Panaji—Kumbharjua and Panaji—St. Estevam route, and some buses are run on contract basis to M. R. F. Ponda. Hence, the nexus between S. F. X. Transport and Joaquim P. D'Souza has to be established and unless that is done the workman cannot get the relief as regards the termination of his services and whether the termination is just and legal or not. This Tribunal cannot send back the reference for the amendment but those who are concerned should have taken the necessary steps during the long period of 5 years. Now, the Advocate Bharne has withdrawn from the proceedings and the workman is left in the lurch. If the workman is to get some justice, thought belated somebody has to move in the matter to get a fresh reference made to the Tribunal by proper amendments. This being the position the Tribunal cannot do anything further in the matter and has to negative the reference. In the result, I pass the following order:

ORDER

It is hereby held that Shri Joaquim D'Souza of Kumbharjua has not termination the service of the workman Shri Suresh S. Parodkar, Driver w.e.f. 24-8-1981 and as such the question whether the termination is legal and justified does not arise at all and the workman cannot get any relief in this reference which is made against a wrong person showing him as the employer.

The workman is at liberty to move the concerned authorities to get a proper reference made to the Industrial Tribunal by incorporating the names of the proper party. It is made clear that this award shall not act as a bar to the fresh proceedings started against the proper person.

In the circumstances of the case, the parties are directed to bear their own costs.

This award be reported to the Government.

S. V. Nevagi,
Presiding Officer,
Industrial Tribunal.